

REMARKS

This application pertains to a novel pressure-sensitive adhesive.

Applicants' claims pertain to a novel pressure-sensitive adhesive, which can be detached from a substrate by stretching, and which comprises a superabsorbant which is swellable incorporated into the adhesive mixture.

Claims 1 and 4-9 are pending; claim 2 being previously cancelled and claim 3 being cancelled by this amendment. The limitations of claim 3 have been incorporated into claim 1. This does not represent any new matter or new issue, as the added limitation has always been present in claim 3, and has been examined.

Claims 5 and 9 stand rejected under 35 U.S.C. 112, second paragraph, because the word "compound" in claim 5 was underlined, and because the Examiner views claim 5 as being a substantial duplicate of claim 1.

The claims are re-presented here, and the underline has been removed from "compound" in claim 1.

Claim 1 provides for the inclusion of at least one superabsorbent. Claim 5 further limits claim 1 by providing for further swellable compounds (i.e., in addition to the at

least one superabsorbant). Claim 5 does not therefore seem to be a substantial duplicate of claim 1.

It is therefore believed that the issues raised by the Examiner in this rejection have been resolved, and the rejection of claims 5 and 9 under 35 U.S.C. 112, second paragraph should now be withdrawn.

Claims 1 and 3-9 stand rejected under 35 U.S.C. 103(a) as obvious over Dunshee (US 2002/0165477) taken individually or in view of Stempel (US 5,492,943).

The Dunshee reference is concerned with pressure-sensitive adhesive articles, such as adhesive tapes, which are removable from skin by stretching. The Dunshee adhesive tapes have a tab in a central portion of the backing, so that the tape can be removed by pulling in the tab, in a direction normal to the skin to which it is adhered, and lifting it off of the skin without scraping the wound being protected. The reference includes extensive descriptions of the adhesives, starting at page 5, paragraph [0053] and the backings, starting at page 8, paragraph [0079]. At page 12, beginning at paragraph [0118] Dunshee discloses the use of various absorbent particles and other additives. In paragraph [0118] in particular, Dunshee discloses that the wet skin adhesion characteristics of his adhesive articles can be provided by an absorbent particulate material, which is specifically disclosed as being distributed uniformly throughout the **backing substance** or coated onto the surface of the backing.

Then, in paragraph [0120], Dunshee discloses other additives, which can be added to either or both of the backing or the adhesive. No absorbent substances are listed among such “other” additives. Dunshee therefore does not in any way teach or suggest the addition of any absorbent, least of all a superabsorbant, to his adhesive compositions.

The Examiner reads paragraphs [0118] and [0120] together in such a way as to read the expression “backing and/or adhesive” of paragraph [0120] into paragraph [0118]. Clearly, this is not a fair reading of Dunshee’s disclosure. Nowhere does Dunshee teach or suggest even the possibility of adding a superabsorbent to his adhesive. Dunshee discusses the superabsorbent in the context of its addition to the backing only. Paragraph [0118] is specifically directed to the backing, and suggests absolutely nothing about the adhesive. Later, in paragraph [0120] Dunshee discloses additives that can be added to either or both of the backing and the adhesive, but this paragraph makes no reference to superabsorbants.

Superabsorbants are not listed among the things that can be added to both the adhesive and the backing. Superabsorbants are proposed by Dunshee only for the backing.

The Examiner’s contention that Dunshee’s “...paragraphs 0118-0120 teach that applicants’ preferred superabsorbent particles [0019] are additives that can be included

in certain embidiments into the adhesive composition...” is simply unsupported by the reference itself.

No person skilled in the art would read Dunshee as teaching or suggesting anything at all about the use of a superabsorbent in the adhesive.

Stempel, on the other hand, is concerned with pressure-sensitive adhesives for sealing the faceplate of an ostomy appliance to skin surfaces surrounding a patient's stoma. Stempel's adhesive is not said to be removable upon stretching in the bond plane, as is Applicants'. Moreover, Stempel's adhesives must have water-absorbers in the amount of from 35-65% (col. 4, lines 43-44). Applicants' claims are now limited to 0.5-20% superabsorbers.

Therefore no combination of Dunshee and Stempel could ever lead to the invention defined by Applciants' claims, and the rejection of claims 1 and 3-9 under 35 U.S.C. 103(a) as obvious over Dunshee (US 2002/0165477) taken individually or in view of Stempel (US 5,492,943) should now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1 and 4 - 9 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited. Should the Examiner not deem the present amendment and remarks to place the instant claims in condition for allowance, it is respectfully requested that this Amendment Under Rule

116 be entered for the purpose of placing the prosecution record in better condition for appeal.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
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